

TITLE 38
FORESTRY, FOREST PRODUCTS AND STUMPAGE DISTRICTS

CHAPTER 6
FOREST INSECTS, PESTS AND DISEASE

38-601. STATEMENT OF POLICY. It is hereby declared to be the public policy of the state of Idaho in order to protect and preserve forest resources from the ravages of the Tussock moth, pine beetle and other destructive forests insects, pests and disease, to protect the watersheds of Idaho, to enhance the production of forests, to promote the stability of forest industry and to protect the recreational values of the forests, to independently and through cooperation with the federal government and private timber owners to adopt measures to control, suppress and eradicate outbreaks of the Tussock moth, pine beetle or other destructive forest insects, pests and disease.

This act is declared to be an emergency measure necessary for the preservation of public health and safety, for the preservation of forest resources, for the preservation of the watersheds and for the preservation of recreational values of the forest lands of this state.

[38-601, added 1947, ch. 139, sec. 1, p. 335; am. 1987, ch. 192, sec. 7, p. 396.]

38-602. DETERMINATION OF INFESTED AREAS -- POWER OF DIRECTOR OF THE DEPARTMENT OF LANDS -- COOPERATION WITH FEDERAL AND OTHER AGENCIES. Whenever the director of the department of lands determines that there exists the threat of an infestation of Tussock moth, pine beetle, or other destructive forest insects, pests or disease injurious to the timber or forest growth on forest lands and that said infestation is of such a character as to be a menace to the timber or forest growth of this state, the director of the department of lands may, with the approval of the state board of land commissioners, declare the existence of a zone of infestation, and may declare and fix the boundaries so as to definitely describe and identify the zone of infestation.

Thereupon, the director of the department of lands or his agent shall have the power to go upon the land within said zone of infestation and shall cause the insect, infestation or disease to be suppressed, eradicated and destroyed in the manner approved by the state board of land commissioners and in order to accomplish the purposes of this chapter the director of the department of lands may enter into cooperative agreement with the federal government and other public or private agencies and with timber land owners using such funds as have been or may hereafter be made available for such purposes; provided, that whenever the cost of suppression and eradication of forest insects, pests or diseases on forest lands exceeds the funds appropriated or otherwise available for that purpose, the state board of land commissioners may authorize the issuance of deficiency warrants against the general account for up to two hundred fifty thousand dollars (\$250,000) in any one (1) year for such suppression or eradication.

[38-602, added 1947, ch. 139, sec. 2, p. 335; am. 1987, ch. 192, sec. 8, p. 397; am. 1988, ch. 244, sec. 1, p. 478.]

38-603. DIRECTOR TO ADOPT PLANS, PROGRAMS AND RULES FOR THE REGULATION, MANAGEMENT AND CONTROL OF FOREST PESTS. The director of the department of lands shall develop plans, programs and rules for the regulation, management and control of forest insects, diseases, or other pests. These programs, plans and rules shall include, but are not limited to, the areas of prevention, detection, evaluation and control of such pests.

[38-603, added 1987, ch. 192, sec. 9, p. 397.]

38-604. FUNDING FOR INSECT AND DISEASE PROGRAM. The insect and disease program as described in [chapter 6, title 38](#), Idaho Code, shall be incorporated into the forest protection program and shall be funded by moneys from the general account. Funding for special pest control projects may include an appropriation from the general account, contributions from cooperating landowners who have lands included in the project area, as defined in section [38-602](#), Idaho Code, or any combination of sources.

[38-604, added 1987, ch. 192, sec. 9, p. 398.]

38-605. PROJECT COST FOR STATE-OWNED LANDS. The state's share of the costs for special pest control projects for state-owned lands within the project area as described in section [38-602](#), Idaho code [Code], shall be funded by moneys in the forest pest account, and moneys from the state general account.

[38-605, added 1987, ch. 192, sec. 9, p. 398.]

38-606. FOREST PEST ACCOUNT. There is hereby created in the dedicated fund of the state treasury a forest pest account into which shall be paid all moneys collected or received under any and all provisions of this chapter.

[38-606, added 1987, ch. 192, sec. 9, p. 398.]

38-607. APPROVAL OF USE OF THE FOREST PEST ACCOUNT. All special pest control projects and expenditure of funds in the forest pest account shall be approved by the state board of land commissioners.

[38-607, added 1987, ch. 192, sec. 9, p. 398.]

38-608. STATE NOT LIABLE FOR DAMAGES. The state of Idaho or the director of the department of lands or his agent shall not be liable for any damage to bees, livestock, or other property or resource injured in the process of treating the infested area under the provisions of sections [38-601](#)--[38-608](#), Idaho Code.

[(38-608) 1947, ch. 139, sec. 3, p. 335; am. and redesignated 1987, ch. 192, sec. 10, p. 398.]